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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/596,094

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Jacques Le Gars

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EXAMINER

LONG, FONYA M

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/596,094	Applicant(s) LE GARS ET AL.	
	Examiner FONYA LONG	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/21/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is a first Office Action Non-Final rejection on the merits. Preliminary Amendment filed May 30, 2006 has been acknowledged. Claim 21 has been canceled. Claims 1-20, 22, and 23 are currently pending and have been considered below.

Drawings

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 21 been renumbered 22.

Misnumbered claim 22 been renumbered 23.

Examiner asserts that the original claimed 21 has been canceled. The listing of claims in the Preliminary Amendment filed May 30, 2006, does not include the text of all pending claims (including withdrawn or canceled claims). For examination purposes, Examiner interprets claim 21 as canceled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 13, 15-19, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squire et al. (5,917,407) in view of Chase et al. (US 2003/0034873).

As per Claims 1 and 23, Squire et al. discloses a method and system of automatically renting bicycles (1) (Abstract, discloses an unattended, automated bicycle rental system) by means of interactive terminal posts (2) (Col. 3, Lines 3-37, via rental stations) which communicate remotely with at least one rental management server (11) (Col. 3, Lines 3-37, via communicate via a network from a central command location), and each of which controls a plurality of locking stations (9) to which the bicycles (1) are locked (Abstract, via bicycles are locked in place on the rack in distinct receiving bays), said method comprising the following steps:

an initial step consisting in:

reading a payment card (6) (Col. 5, Lines 29-44, via control tower reading a magnetic payment card to charge the card or to verify the validity of the bank card);

communicating with an electronic money server (10) for generating a debit authorization for debiting a certain maximum value from an account associated with the payment card, this authorization being valid for a limited period (Col. 9, Line 55-Col. 10, Line 13, discloses a payment authorization for the debit of a deposit (i.e. certain maximum value) from the account associated with the payment card via the processor dialing out using the modem to connect with a credit card verification center); and

a debit step consisting in communicating with the electronic money server (10) for debiting said account associated with the payment card for an amount that is a function of the rental operations effected, inclusively from said initial step, said amount being no more than said maximum value (Col. 9, Line 55-Col. 10, Line 13, via the rental being charged to the payment card).

However, Squire et al. fails to explicitly disclose an authorization identifier with an associated identity code.

Chase et al. discloses a method and system for an automated car sharing system with the concept of allocating an authorization identifier to said authorization ([0034] discloses providing each driver a unique identifier); storing the authorization identifier in the rental management server ([0050] discloses storing the ID associated with a reservation); at least one subsequent rental step taking place during said limited period ([0053], discloses reserving a vehicle for a limited period having a start date and time and an end date and time) and consisting in: a user who wishes to rent a bicycle

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(1) indicating at least one identity code associated with said authorization identifier ([0050] discloses presenting the ID associated with an authorized driver); the rental management server (11) being used to verify that the identity code indicated by the user corresponds to said authorization identifier stored in said rental management server; and the bicycle rental being authorized or not authorized as a function of said verification ([0049-0050] via a display and keypad being used for further driver verification by requesting a driver-specific code be entered and compared before enabling the ignition).

Therefore, from the teaching of Chase et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the unattended automated bicycle rental system of Squire et al. to include an authorization identifier with an associated identity code as taught by Chase et al. in order to provide secure access to bicycles and prevent the ability of theft.

As per Claim 2, Squire et al. discloses the claimed invention as applied to Claim 1, above. However, Squire et al. fails to explicitly disclose communicating an identity code to a user and a user inputting the identity code.

Chase et al. discloses a method and system for an automated car sharing system with the concept of the identity code being communicated to a user ([0034] discloses assigning (i.e. communicating) a personal identification number to a driver); and, during each subsequent rental step, the identity code is input by said user on an input interface (3) ([0040] via a user presenting (i.e. inputting) the card comprising an ID to a reader).

Therefore, from the teaching of Chase et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the unattended automated bicycle rental system of Squire et al. to include an identity code to a user and a user inputting the identity code as taught by Chase et al. in order to provide secure access to bicycles and prevent the ability of theft.

As per Claim 3, Squire et al. discloses the claimed invention as applied to Claim 1, above. However, Squire et al. fails to explicitly disclose an identity code.

Chase et al. discloses a method and system for an automated car sharing system with the concept of the identity code being written on an information medium (8) ([0059] discloses the ID being written on a card), and , during each subsequent rental step, the identity code is read automatically from said information medium (8) ([0040] via placing the card near the reader, if the ID matches the stored ID, then the vehicle-associated access control module unlocks the car door).

Therefore, from the teaching of Chase et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the unattended automated bicycle rental system of Squire et al. to include an identity code as taught by Chase et al. in order to provide secure access to bicycles and prevent the ability of theft.

As per Claim 13, Squire et al. discloses when the bicycle is returned to a locking station, said bicycle is locked again to said locking station (Col. 7, Line 51-Col. 8, Line 31, discloses a bicycle being returned to the rental station where the bicycle is placed on a rental rack and the latch plate is moved into the locking position upon placement).

As per Claim 15, Squire et al. discloses the debit step being implemented when the cumulative cost of the rental operations that have taken place during said limited period reaches a certain predetermined amount that is no more than said maximum value (Claim 38, discloses debiting the rental charge from a user's bank card based on the duration of time the rental bicycle s removed from the locking bicycle rack).

As per Claim 16, Squire et al. discloses after the debit authorization, at least one bicycle that is locked to a locking station is released (Col. 11, Lines 5-34, discloses upon credit card verification the bicycle is released from its locked position), and then, when the bicycle is returned to a locking station, said bicycle is locked to said locking station again (Col. 11, Line 35-Col. 12, Line 13, discloses the customer returning the bicycle wherein the bicycle is placed on the rental rack and is locked).

As per Claim 17, Squire et al. discloses each time a rental operation takes place, the value of a sum owed by the user of the payment card is incremented (Col. 11, Line 5-Col. 12, Line 29, discloses each time a user rents a bicycle from the rental station the user is billed for the rental charges incurred during that rental period).

As per Claim 18, Squire et al. discloses each bicycle is identified at least when it is taken out and when it is returned (Col. 11, Lines 16-34, discloses determining if a bicycle bay has a rental bicycle in it by reading a locked signal from the particular locking assemblies. Col. 11, Line 50-Col. 12, Line 13, discloses sending a signal to the computer indicating that some sort of object is present in the receptacle slot and that the latch plate has been moved into a locking position; and the computer looking for a positive signal from the proximity sensor indicating that the object inserted is indeed a

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rental bicycle belonging to the rental station. The magnet also indicates when the rental bicycle is removed from the rental rack and tells the processor how many bicycles remain in the rack), and when a bicycle taken out is not identified as a bicycle returned at the end of a certain predetermined time limit, the debit step is performed immediately, and a deposit is debited from said account (Col. 9, Line 55-Col. 10, Line 13, discloses charging a deposit to a user's card).

As per Claim 19, Squire et al. discloses a confidential code is determined, and, during each subsequent rental step, the rental is authorized only after verifying that the confidential code is known by the user requesting the rental (Claim 16, discloses a customer file number being determined based on the account number of a payment card. Col. 11, Lines 35-49, discloses using the customer file number in order to obtain access to rent a bicycle).

5. Claims 4-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squire et al. (5,917,407) in view of Chase et al. (US 2003/0034873) and in further view of Laval et al. (6,889,098).

As per Claim 4, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 3, above. However, the combination fails to explicitly disclose a ticket bearing the identity code being issued.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of a ticket bearing said identity code and constituting said information medium being issued (Col. 15, Lines 62-67, discloses a ticket Bearing a code being provided to a user).

Therefore, from the teaching of Laval et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include a ticket bearing the identity code being issued as taught by Laval et al. in order to aid in providing a secure means to accessing a bicycle for the specified reserved time.

As per Claim 5, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 4, above. However, the combination fails to explicitly disclose the identity code being recorded on a magnetic stripe (8a) carried by said ticket.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of the identity code being recorded on a magnetic stripe (8a) carried by said ticket (Col. 8, Lines 49-63, discloses a card-reader device reading a magnetic stripe on a ticket issued to a customer in order to establish a customer's right to access an attraction).

Therefore, from the teaching of Laval et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include the identity code being recorded on a magnetic stripe carried by said ticket as taught by Laval et al. in order to aid in providing a secure means to accessing a bicycle for the specified reserved time.

As per Claim 6, Squire et al. discloses a debit authorization (Col. 9, Line 55-Col. 10, Line 13, discloses a payment authorization for the debit of a deposit (i.e. certain maximum value) from the account associated with the payment card via the processor

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dialing out using the modem to connect with a credit card verification center). However, the Squire et al. and Chase et al. combination fails to explicitly disclose the code borne by the ticket being written at least in part during the initial step.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of the code borne by the ticket being written at least in part during the initial step (Col. 9, Lines 11-60; Col. 15, Lines 62-67, discloses a ticket comprising a code being provided to a customer in order to gain access to one or more attractions).

Therefore, from the teaching of Laval et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include the code borne by the ticket being written at least in part during the initial step as taught by Laval et al. in order to aid in providing a secure means to accessing a bicycle for the specified reserved time.

As per Claim 7, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 6, above. However, the combination fails to explicitly disclose the code written on the ticket including the authorization identifier.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of the code written on the ticket including the authorization identifier (Col. 15, Lines 62-Col. 16, Line 43, discloses a ticket comprising a code that is verified based on the stored ticket information via a ticket reader in order to identity the customer as an authorized user).

Therefore, from the teaching of Laval et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include the code written on the ticket including the authorization identifier as taught by Laval et al. in order to aid in providing a secure means to accessing a bicycle for the specified reserved time.

As per Claim 8, Squire et al. discloses the claimed invention as applied to Claim 6, above. However, Squire et al. fails to explicitly disclose a pre-written code on a ticket; and the identifier and code being stored in a memory.

Chase et al. discloses a method and system for an automated car sharing system with the concept of an identifier being stored in a memory ([0050] discloses storing the ID associated with a reservation).

Therefore, from the teaching of Chase et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the unattended automated bicycle rental system of Squire et al. to include an identifier stored in a memory as taught by Chase et al. in order to provide secure access to bicycles and prevent the ability of theft.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of a code being stored in a memory (Col. 15, Lines 62-67, discloses storing ticket codes of the tickets issued to customers).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the ticket contain a pre-written code. It is well known in the

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art to have tickets comprising a pre-written ticket number (i.e. code) such as raffle tickets in order to aid in maintaining a record of the tickets issued.

Therefore, from the teaching of Laval et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include a pre-written code on a ticket being stored in a memory as taught by Laval et al. in order to aid in providing a secure means to accessing a bicycle for the specified reserved time.

As per Claim 9, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 8, above. However, the combination fails to explicitly disclose the code written on the ticket comprising a pre-written portion written before the initial step and a portion written during said initial step.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of a portion of the ticket being written during said initial step (Col. 9, Lines 49-60, discloses printing access time information on the ticket when issuing a ticket to a customer).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the ticket contain a pre-written code. It is well known in the art to have tickets comprising a pre-written ticket number (i.e. code) such as raffle tickets in order to aid in maintaining a record of the tickets issued.

Therefore, from the teaching of Laval et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include the code written on the ticket comprising a pre-

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written portion written before the initial step and a portion written during said initial step as taught by Laval et al. in order to aid in providing a secure means to accessing a bicycle for the specified reserved time.

As per Claim 10, Squire et al. discloses a payment card of predetermined format being used (Col. 5, Lines 29-44, discloses used a payment card such as a credit card, debit card, or other similar bank card).

Examiner asserts that the data contained on a ticket is considered non-functional descriptive material as recited. The fact that the tickets contain a predetermined format does not change the function of the claimed invention. Examiner contends that Squire et al., Chase et al., and Laval et al. combination is fully capable of using a predetermined format on the tickets.

As per Claim 11, Squire et al. discloses a payment card presenting a magnetic stripe having a predetermined position (Col. 5, Lines 29-44, discloses a payment card such as a credit card and a debit card (i.e. a card with a magnetic strip)).

However, the Squire et al. and Chase et al. combination fails to explicitly disclose a ticket having a magnetic stripe having the same position, and the identity code is written on the magnetic stripe of said ticket.

Laval et al. discloses a method and apparatus for managing admission to an attraction with the concept of a ticket having a magnetic stripe and the identity code being written on the magnetic stripe of said ticket (Col. 8, Lines 49-63, discloses a ticket comprising a magnetic stripe being issued to a customer (Col. 15, Lines 62-67) wherein the ticket comprises a code).

Examiner asserts it would have been an obvious matter of design choice to have a magnetic stripe at a predetermined position, since applicant has not disclosed that a magnetic stripe at a predetermined position solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a magnetic stripe being positioned at any position.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Squire et al. (5,917,407) in view of Chase et al. (US 2003/0034873) and Tung (US 2002/0009185).

The Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose a code borne by a mobile phone being recorded as the identity code.

Tung discloses a method and device for security control of network distant input using caller ID with the concept of a code borne by a mobile phone is recorded as the identity code, and, during each subsequent rental step, the user calls a predetermined number, the calling telephone number is determined, and the authorization identifier corresponding to said identity code is thus determined ([0017] discloses calling a number wherein the ID decoder reads the incoming phone number, and once the caller's telephone ID is obtained, it is checked with the authorized one stored in the database).

Therefore, from the teaching of Tung, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include a code borne by a mobile phone being

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recorded as the identity code as taught by Tung in order to provide a verification mechanism that can verify the true identity of any user.

7. Claims 14, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Squire et al. (5,917,407) in view of Chase et al. (US 2003/0034873) and in further view of Meunier (US 2002/0186144).

As per Claim 14, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose the debit step being implemented at a time that is predetermined relative to the initial step.

Meunier discloses a system and method for automating a vehicle rental process with the concept of the debit step being implemented at a time that is predetermined relative to the initial step ([0303-0304] discloses verifying a user's credit card upon the expiration of a rental period).

Therefore, from the teaching of Meunier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include the debit step being implemented at a time that is predetermined relative to the initial step as taught by Meunier in order to aid in enabling the rental process to take place easily between users and service providers in less time, with less cost and more reliability.

As per Claim 20, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose the confidential code being chosen by the user during the initial step.

Meunier discloses a system and method for automating a vehicle rental process with the concept of the confidential code being chosen by the user during the initial step ([0170] discloses a secret code being selected by a user).

Therefore, from the teaching of Meunier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include the confidential code being chosen by the user during the initial step as taught by Meunier in order to aid in enabling the rental process to take place easily between users and service providers in less time, with less cost and more reliability.

As per Claim 22, the Squire et al. and Chase et al. combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose an address given by the user is stored in a memory.

Meunier discloses a system and method for automating a vehicle rental process with the concept of an address given by the user is stored in a memory ([0168] discloses a user providing an address that is stored).

Examiner asserts it would have been obvious to one of ordinary skill in the art at the time the invention was made to mail a notice to a customer about a bicycle not being returned. It is well known in the art to mail statements to customers notifying of outstanding debts to a company.

Therefore, from the teaching of Meunier, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Squire et al. and Chase et al. combination to include an address given by the user is stored in a

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memory as taught by Meunier in order to aid in enabling the rental process to take place easily between users and service providers in less time, with less cost and more reliability.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hardgrave et al. (6,010,239) discloses an automatic item-driven system for deposit and pick-up.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thur 7:30am-6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571) 272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/F. L./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689

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